

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

V.

**GARY STEVENSON,
HERMAN MOORE,
GREGORY HOGAN,
KENNETH TALTON, and
JENNIFER WILKINS,**

Defendants.

NO. 07-CR-30178-WDS

MEMORANDUM & ORDER

STIEHL, District Judge:

Before the Court is the government’s motion to sever (Doc. 421). The defendants are charged in the Fourth Superseding Indictment with crack cocaine related offenses. Among the charges is Conspiracy to distribute, and possess with intent to distribute crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). The government has indicated that as part of its case in chief it intends to introduce into evidence statements of some of the co-defendants who, in those statements, have implicated not only themselves, but other co-defendants, *See, Bruton v. United States*, 391 U.S. 123 (1968). At the Final Pre-Trial Conference, defendants Gregory Hogan and Jennifer Wilkins objected to the government’s motion. It is well settled that when statements implicate a “co-defendant. . . at a joint trial during which [the co-defendant] did not testify, the introduction of this evidence” violates right to confrontation under *Bruton*, 391 U.S. at 125-26. *See, Suggs v. United States*, 513 F.3d 675, (7th Cir. 2008). Upon review of the record, the Court **FINDS** that a severance is warranted in this case.

Accordingly, the Court **GRANTS** the government's motion to sever and hereby severs

defendants Stevenson, Talton, Moore from the remaining defendants, Hogan and Wilkins. The Court will try the defendants as follows:

1. Defendant Gary Stevenson's trial will be March 4, 2009, at 10 A.M. Any motions in limine, proposed jury instructions and case specific voir dire questions are due February 25, 2009, with responses by March 2, 2009.
2. Defendant Talton's trial will be March 31, 2009, at 10 A.M. Any motions in limine, proposed jury instructions and case specific voir dire questions are due March 20, 2009, with responses by March 25, 2009.
3. Defendant Moore's trial will be April 21, 2009, at 10 A.M. Any motions in limine, proposed jury instructions and case specific voir dire questions are due April 10, 2009, with responses by April 15, 2009.
4. Defendants Hogan and Wilkins will be tried together and their trial date will be May 12, 2009, at 10 A.M. Any motions in limine, proposed jury instructions and case specific voir dire questions are due May 1, 2009, with responses by May 6, 2009.

IT IS SO ORDERED.

DATE: February 20, 2009

s/ WILLIAM D. STIEHL
DISTRICT JUDGE